THE ARIZONA STATE HISTORIC PRESERVATION OFFICE POLICY STATEMENT FOR RECOMMENDATIONS OF ELIGIBILITY TO THE ARIZONA REGISTER OF HISTORIC PLACES May, 1992

THE PROBLEM

Owners of older buildings, or their grant sponsors, have been approaching the State Historic Preservation Office seeking assistance on the "restoration" of their properties under the Arizona Heritage Fund (AHF). Most of the time these properties are already listed individually or as contributors to listed historic districts, but there is an increasing number of properties that have, in the past, been evaluated as non-contributors, or were not listed because of integrity problems, or were sheathed by non-historic materials.

Because the AHF initiative allows funds to be awarded to properties listed or **determined eligible**, the question arises as to how and by whom can these determinations be made, and under what conditions can these determinations be applied to properties with questionable integrity but demonstrable restorability?

This question becomes more complex as one evaluates the wide range of integrity of listed properties, the evolution of the sheathing issue, and variations in viewpoint between National Register policy, Tax Act review policy, and Certified Local Government (CLG) Design Review Ordinance policy.

PAST POLICY

Previously the nomination of buildings under criterion C (the focus of this policy) was based upon an evaluation of the primary facade or at most the building's exterior qualities, style and integrity. Also there was little distinction, in determining lack of integrity, between a building that was fully sheathed by non-historic materials and a building with non-historic materials covering only portions of the facade.

An example of how the past policy was in flux and how the Historic Sites Review Committee (HSRC) had been at the mercy of Federal policy changes is evident in the Babbitt Building in Flagstaff. When first nominated in 1980 the definition of a non-contributor was a building that, if removed, would improve the district. In other words, the non-contributor detracts from the district. There were no evaluation factors concerning age or level of integrity. In the original nomination the Babbitt Building was listed as a contributor. In 1981 the National

Register staff froze the processing of nominations until new policy guidelines could be adopted, but in 1983 the district was listed with the Babbitt Building as contributing.

Because of the Tax Act program, age and integrity became important issues in determining eligibility. The definition of non-contributor changed to include any building constructed outside the historic period, properties that had lost integrity or properties that had been sheathed. In other words a contributor must add to the district. For integrity evaluation the working rule became "could the owner of the building during the historic period recognize the building today". In 1985 the Babbitt Building was changed to be a non-contributor. In 1990 the 1950s sheathing was removed from the Babbitt Building and it has regained its contributing designation.

The Babbitt Building was potentially an historic resource all along, but it could not be fully evaluated because of the need to comply with the changing Federal policy which has been applied to sheathed buildings since the mid-1980s. The Federal shift in definitions of contributing and non-contributing has also led to difficulties in evaluating eligibility. What policy should the state have concerning these issues, especially in the light of the determination of eligibility language of the State Heritage Fund Initiative?

CURRENT NATIONAL REGISTER GUIDELINES

The recent final edition of Bulletin 15 gives us the clearest picture of the current Federal position on these issues (See Chapter VIII).

Under "ASSESSING INTEGRITY IN PROPERTIES" it states that "integrity is based on significance..." which is established in the nomination. "The steps in assessing integrity are: •Define the essential physical features that must be present for a property to represent its significance.
•Determine whether the essential physical features are visible enough to convey their significance. •Determine whether the property needs to be compared with similar properties. And, •Determine, based on the significance and essential physical features, which aspects of integrity are particularly vital to the property being nominated and if they are present."

Other important statements include:

"It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features...." (p46)

"A property important for illustrating a particular architectural style or

construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation." (p46)

"Properties...must not only retain their essential physical features, but the features must be visible enough to convey their significance." (p46)

And, "If the historic exterior building material is covered by non-historic material (such as modern siding), the property can still be eligible if the significant form, features, and detailing are not obscured." (p47)

Bulletin 15 indicates that the older or rarer the property the less integrity is required for eligibility.

TAX ACT POLICY

The Park Service has issued a guidance paper dealing with these issues entitled "Evaluating Deteriorated, Damaged, or Previously Altered Buildings within Registered Historic Districts: Guidance for Evaluating Part 1 and Part 2 (Tax Certification) Applications."

Important statements for this discussion include:

"A building includes all of its structural components...the whole building must be considered...and its significant features identified." (p1)

"Once the historic integrity of a building has been lost due to extensive deterioration, damage, or alterations, **it can never be regained**. While new material can exactly copy significant features, integrity can never be re-created." (pl, emphasis added)

"Integrity is evidenced by the survival of physical and historic characteristics that existed during the property's period of significance." (p1)

"Deterioration, damage, alteration, or even relocation of a property do not preclude a building's certification as "contributing" so long as those physical and historic characteristics that convey significance still survive." (p1-2)

"Any building which has lost its internal structure must have a minimum of 75% of its external walls intact and structurally sound." (p2)

"The presence and condition of materials that constitute a building's

form, features, and detailing and the ability of the building as a whole to convey its historic significance in relationship to the district should be the focus of every evaluation." (p2)

"Material that is replaced cannot fully represent association with the building's historical, architectural, or cultural values...." (p3)

"In summary, whether a building's materials and features are sufficiently intact to convey historic significance cannot be precisely quantified.... However, a consistent two-step approach should be used by reviewers (1) to identify significant features of the building's exterior, interior, and setting; and (2) to evaluate their existing condition to determine whether they possess integrity **prior to rehabilitation**...." (p4, emphasis added)

"An important factor to weigh in the total building evaluation is the unusual presence of highly significant interior features, spaces, and finishes (in and of themselves or together with an early framing system). In such limited instances, both the significance <u>and</u> rarity of certain components of a building that are found to be intact may offset extensive replacement of exterior materials due to damage, deterioration, or past alterations...." (p4)

"Integrity requirements for buildings may vary somewhat depending upon the building's significance and its rarity." (p5)

"Although the historic appearance of a building is capable of being reproduced through well documented reconstruction, reconstructions are outside the scope of the preservation tax incentives program and are ineligible for tax credits. ...(L)imited reconstruction of missing parts of a surviving historic building is acceptable." (p6)

CERTIFIED LOCAL GOVERNMENT (CLG) DESIGN REVIEW ORDINANCE POLICY

As part of the certification process, Certified Local Government (CLG) communities are required to adopt a Historic Preservation Ordinance (usually involving a special condition zoning overlay). These ordinances require design review involving the change, modification, addition to, or demolition of designated historic properties, or review of new construction within a designated historic district. Policies governing design review have wide flexibility, having the need to be appropriate to each specific community.

These ordinances generally allow and often encourage restoration based on accurate documentation. They also encourage the removal of anachronistic elements and the restoration or reconstruction of documented features.

Design review also encourages the infilling of vacant properties with either documented reconstructions or distinctive but compatible new contemporary construction.

Design review policy primarily deals with building or historic district management (future conditions) not the identification or nomination process where "historic" integrity is identified. Restoration and reconstruction are often referred to within this management context, and it is sometimes assumed, at the local level, that these terms can and should be applied to the nomination and evaluation process. In other words, it is sometimes assumed that if a building is first restored it is historically more significant or more eligible for nomination.

Also, in the design review process many of the factors considered in the nomination process are utilized including, height, massing, proportion, set-back, openings, rhythms, texture, materials, color, details, etc. It is important to remember that these terms applied to the nomination process deal with the existence of these factors from the historic period (the past), whereas in design review they apply to actions to be taken (the future).

CURRENT POLICY ON INTEGRITY AND ELIGIBLITY

As a guide to the SHPO staff and the Historic Sites Review Committee the following standards for integrity and eligibility will be applied to buildings being nominated to the Arizona or National Registers of Historic Places under criterion C:

- 1. The current nomination process which focuses on the primary facade will continue. Evaluation of exterior integrity will continue to be the primary focus of survey work.
- 2. In general, the primary facade must have a majority (51%) of its features intact, and at least 75% of all exterior walls must be present.
- 3. In general, either the historic wall materials and details must be intact and visible, or the historic massing and openings (doors and windows) must be intact and visible. If both are missing or are hidden behind non-historic materials the building will not be eligible for lack of integrity. In the future, if the non-historic materials are sufficiently removed to prove the existence of intact historic materials, details or openings, the property can then be reevaluated for eligibility.
- 4. Only the uncovering and exposure of historic materials, not the restoration of missing features, can affect the evaluation of historic integrity. Although the accurate replacement of missing features shall be

encouraged, their replacement will play no role in the evaluation of historic integrity.

- 5. At the request of an owner, the SHPO, a member of the HSRC or the Historic Preservation Advisory Committee (HPAC); the SHPO staff or qualified consultant can undertake a comprehensive evaluation of a potential historic property. This expanded evaluation may include the exterior, interior and setting of the property utilizing the tax act evaluation format.
- 6. Interior features including the building's structural system which are found to be rare or of high artistic merit will indicate that the building is potentially eligible even if the exterior integrity is marginal, but in any evaluation at least 75% of the original exterior walls must be intact. In only very rare cases can a building be eligible for its significant interior features if its primary facade has been extensively altered or completely replaced. In general, the complete removal of the primary facade indicates an irreparable loss of integrity no matter how much documentation exists for reconstruction.
- 7. As part of a comprehensive evaluation the age and rarity of the resource will be addressed within an historical context and a comparison with other similar properties. In general, the older or rarer the property the less integrity will be required for eligibility. Indigenous buildings over 100 years old, vernacular or designed buildings constructed by hand utilizing square nails, or unique one of a kind buildings will be given the greatest leniency in relationship to level of integrity.
- 8. Although Bulletin 15 allows buildings to be nominated under criterion D, it will be applied to buildings only in cases when there is an indication that the building is likely to yield important information on construction technology, stylistic evolution, or artistic design. If these factors are clearly visible, and not "likely", then the building must be nominated under criterion C. If significant below ground archaeological resources are present on the building site then the property should be nominated under both criteria.
- 9. In cases of clear eligibility (consensus by the SHPO staff) the SHPO can recommend eligibility without HSRC consultation. If such cases arise in relationship to AHF grants, an eligibility statement signed by the appropriate staff and the SHPO must be on file with a State Inventory Form. Files containing properties that have been determined eligible will be clearly marked for identification.
- 10. Properties of marginal or questionable integrity in need of a recommendation of eligibility will be brought to the HSRC for comment

prior to any AHF allocations being awarded. The HSRC will receive a completed State Inventory Form and a staff report addressing the eligibility of the property. If the HSRC considers the property eligible, such statement, if agreed to by the SHPO, will be signed and filed with the State Inventory Form.

- 11. In the future, for properties seeking AHF assistance but not listed on the Arizona Register, a State Inventory Form must be completed and submitted with the application form. No application of an unlisted property will be processed without an inventory form. Also, a National Register nomination will be required as part of any grant award for an unlisted property. The nomination process does not eliminate the need for the determination of eligibility procedure outlined above.
- 12. In general, properties receiving AHF assistance will be given priority status for nomination. The goal is to have all properties receiving AHF funds to be listed on the Arizona and National Registers or, following a recommendation of eligibility, to have a nomination prepared within the grant time period (a maximum of 24 months).
- 13. Properties that have been determined eligible under the Federal process will be eligible for AHF funds if they meet the grant stipulations, and there is a nomination prepared as part of the grant.

Adopted by the Historic Sites Review Committee (HSRC)
May 14, 1992

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